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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,875

10/13/2005

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204100203396-US0

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7590

01/09/2009

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

01/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

The reply filed on October 27, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The remarks fail to present arguments pointing out the specific distinction(s) believed to render new claim 21 patentable over the applied references. See 37 CFR 1.111(b). Further, there's no indication whether new claim 21 is readable upon the elected species. Note that the restriction requirement in the Office action dated May 21, 2007 indicated "(i)f claims are added after the election, applicant must indicate which are readable upon the elected species", see bottom of page 2. See MPEP § 809.02(a). Further still, applicant should note that "oral traverse" does not constitute a "traverse" of the restriction requirement because any traverse must be in writing. Note 37 CFR 1.143, 37 CFR 1.111 and 37 CFR 1.2. In the absence of any written traverse, applicant's "oral traverse" will become an election without traverse. Accordingly, if it is applicant's intention that the requirement be traversed, then a proper request for reconsideration must be set forth in writing.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached Monday through Friday from 9:30AM-6:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3679

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

January 9, 2009

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679